

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, OCTOBER 27, 1992
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor O'Connor at 10:32 a.m.
The meeting was recessed by Mayor O'Connor at 12:05 p.m. to
recovene at 2:00 p.m.

The meeting was reconvened by Mayor O'Connor at 2:06 p.m. with
Council Members Roberts, McCarty and Filner not present. Chair
Person Filner adjourned the meeting at 5:25 p.m.

ATTENDANCE DURING THE MEETING:

- (M) Mayor O'Connor-Present
 - (1) Council Member Wolfsheimer-present
 - (2) Council Member Roberts-present
 - (3) Council Member Hartley-present
 - (4) Council Member Stevens-present
 - (5) Council Member Behr-present
 - (6) Council Member Stallings-present
 - (7) Council Member McCarty-present
 - (8) Council Member Filner-present
- Clerk-Abdelnour (rb/ll)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor O'Connor-present
- (1) Council Member Wolfsheimer-present
- (2) Council Member Roberts-not present
- (3) Council Member Hartley-not present
- (4) Council Member Stevens-present
- (5) Council Member Behr-present
- (6) Council Member Stallings-present
- (7) Council Member McCarty-present
- (8) Council Member Filner-present

PUBLIC COMMENT:

None.

COUNCIL COMMENT:

None.

ITEM-101: (R-93-59) ADOPTED AS RESOLUTION R-280955

Awarding a contract to I Tre Corporation, for furnishing hauling service for treating or removing and disposing of wet scum, as may be required for a period of one year beginning September 1, 1992 through August 31, 1993, for an estimated cost of \$97,500, with options to renew the contract for four additional one year periods, with option period price increases not to exceed the prices in effect for the previous contract period by more than 6 percent; awarding a secondary contract to Arbortech Inc., for furnishing hauling service for treating or removing and disposing of wet scum, as may be required for a period of one year beginning September 1, 1992 through August 31, 1993, for an estimated cost of \$84,214, plus the City's cost of approximately \$20,000 to haul the material to Fiesta Island for treatment, for a grand total of \$104,214, with options to renew for four additional one year

periods with price increases not to exceed 10 percent
of prices in effect at the end of each prior year.
(BID-B3318/93)

FILE LOCATION: CONT-Purchase-I Tre Corporation, Arbortech,
 Inc. CONT FY93-2

COUNCIL ACTION: (Tape location: G447-545.)

MOTION BY STEVENS TO ADOPT. Second by Behr. Passed by the
following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea,
Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea,
Filner-yea, Mayor O'Connor-not present.

ITEM-109: (R-93-623) CONTINUED TO NOVEMBER 2, 1992

Authorizing the execution of a third amendment to the
agreement of January 12, 1987 with Boyle Engineering
Corporation, for services in connection with the Morena
Boulevard Interceptor; authorizing the expenditure of
an amount not to exceed \$82,732 from Sewer Revenue Fund
41506, CIP-43-123.0, Morena Boulevard Interceptor, to
provide funds for the amendment; authorizing the City
Manager to finance or refinance the project with tax
exempt securities, if circumstances so warrant.

(Clairemont Mesa and Mission Bay Community Areas.
District-6.)

CITY MANAGER SUPPORTING INFORMATION: On January 12, 1987, the
City entered into an agreement with Boyle Engineering Corporation
for engineering services for the Morena Boulevard Interceptor,
Document No. RR-267456. On March 14, 1988, and August 6, 1990,
the original agreement was amended, Document Nos. RR-270531 and
RR-276358 respectively, to design an interim peak period sewage
storage facility in Mission Bay and to provide required
additional design services for completion of the Morena Boulevard
Interceptor Sewer project. Contract Amendment No. 3 encompasses
additional work not included in the previous authorization. The
original proposal and contract for the present level of services
was negotiated in 1987. During the life of the project since,
unanticipated revisions of the project concept have greatly
increased the level of services required to provide adequate
construction support to the City. Amendment No. 3 includes
increased shop drawing reviews, response to contractor questions,

review of change order requests, and increased general observations of the construction to assist the City in controlling the construction costs. Compared to the total construction cost for this project (counting all three contracts), the consultant's total level of compensation has been less than 5 percent. This is well below industry standards, and even with the additional newly-required construction support, this contract represents an outstanding engineering value for the City. There is no work to be performed by subconsultants in this amendment.

Aud. Cert. 9300343.

WU-U-93-014.

FILE LOCATION:

COUNCIL ACTION: (Tape location: C091-164.)

MOTION BY STALLINGS TO CONTINUE THE ITEM ONE WEEK, MONDAY, NOVEMBER 2, 1992, AS REQUESTED BY THE CITY MANAGER. Second by McCarty. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-not present, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-not present, Mayor O'Connor-yea.

ITEM-113: (R-93-183) ADOPTED AS RESOLUTION R-280956

Approving Change Order No. 3, dated July 1, 1992, issued in connection with the contract with T.B. Penick & Sons, Inc., for Golden Hill Revitalization (30th - Fern Streets) Phase I, amounting to a net increase in the contract price of \$85,372.91.

(Golden Hill Community Area. District-3.)

CITY MANAGER SUPPORTING INFORMATION: This change order relates to the T.B. Penick & Sons, Inc. construction contract to install public improvements in the Golden Hill Community between 30th St. and Fern St. This construction project is Phase I of the Golden Hill Revitalization Program. This change order will increase the total construction contract from \$505,156.22 by \$85,372.91 to a new contract amount of \$590,529.13. The change order will result in required increases in concrete work, interlocking pavers, electrical and landscape items. The Golden Hill Community

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Development Corporation is aware and has concurred with all the added work for this project.

Aud. Cert. 9300044.

FILE LOCATION: CONT-T.B. Penick & Sons, Inc. CONT FY93-1

COUNCIL ACTION: (Tape location: G543-572.)

MOTION BY FILNER TO ADOPT. Second by Behr. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-nay, Behr-yea, Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

ITEM-202: (R-93-651 Rev.) ADOPTED AS AMENDED AS RESOLUTION
R-280974

Adoption of a Resolution declaring the City Council's position to support, oppose, or take no position, on the State and Local Ballot Propositions on the November 1992 ballot.

(See Department of Legislative Services Report
DLS-92-36.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: G576-H054.)

MOTION BY FILNER TO ADOPT AS AMENDED THAT COUNCIL WILL NOT SUPPORT ANY BALLOT PROPOSITIONS ON THE NOVEMBER, 1992 BALLOT EXCEPT PROPOSITION A. Second by Wolfsheimer. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

Motion by Hartley to request the Council to support only Proposition A on the November, 1992 ballot. Second by Stallings. Passed by the following vote: Yea-2,3,4,5,6,8; Nay-7; Not present-1,M.

ITEM-203: (R-93-656) RETURNED TO THE CITY MANAGER

Approving in concept a Community Development Block Grant Float Loan Program; authorizing the City Manager to issue a Request for Proposal to obtain the services of a consultant to assist the City in the development and implementation of the program.

(See City Manager Report CMR-92-313.)

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: H054-203.)

Motion by Wolfsheimer to Note and File. No Second.

MOTION BY BEHR TO RETURN TO THE CITY MANAGER TO BE HEARD AT THE WORKSHOP CURRENTLY SCHEDULED FOR THE COMMITTEE OF THE WHOLE IN WHICH POLICY DECISIONS ON COMMUNITY DEVELOPMENT BLOCK GRANTS ARE TO BE DISCUSSED, AND TO ALLOW ADDITIONAL TIME FOR THE COUNCIL TO REVIEW THIS MATTER FURTHER. Second by Stallings. Passed by the following vote: Wolfsheimer-nay, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

ITEM-205:

Two actions relative to Animal Control Services:

Subitem-A: (O-93-55 Rev.) INTRODUCED, TO BE ADOPTED
NOVEMBER 9, 1992

Introduction of an Ordinance amending Chapter IV, Article 4, of the San Diego Municipal Code by adding Section 44.0322, relating to Dog License Fees.

Subitem-B: (R-93-667) ADOPTED AS RESOLUTION R-280957

Adoption of a Resolution approving the Dog License Fee Schedule and approving the contract for animal control services in the City of San Diego for Fiscal Year 1992-93.

FILE LOCATION: Subitem-A: --; Subitem-B: MEET

COUNCIL ACTION: (Tape location: E384-608; G465-515.)

Motion by Stallings to Introduce Subitem-A and Adopt Subitem-B. Second by Hartley. Failed by the following vote: Yea-1,6,8; Nay-2,3,4,5,7,M.

MOTION BY HARTLEY TO RECONSIDER. Second by Filner. Passed by the following vote: Wolfsheimer-yea, Roberts-nay, Hartley-yea, Stevens-yea, Behr-nay, Stallings-yea, McCarty-nay, Filner-yea, Mayor O'Connor-not present.

MOTION BY STALLINGS TO INTRODUCE SUBITEM-A AND ADOPT SUBITEM-B. Second by Filner. Passed by the following vote: Wolfsheimer-yea, Roberts-nay, Hartley-yea, Stevens-yea, Behr-nay, Stallings-yea, McCarty-nay, Filner-yea, Mayor O'Connor-not present.

ITEM-330 (O-93-) CONTINUED TO NOVEMBER 24, 1992

Introduction of an Ordinance rezoning various designated properties located south of Chollas Parkway, east of 54th Street, north of Dwight Street and west of 58th Street, as shown on the map on file with the Planning Department, from MR-1500 and/or R1-5000 to R1-40000. These properties are all designated as Open Space in the Mid-City Community Plan and are proposed to be rezoned from MR-1500 (a multi-family zone) and R1-5000 (a single-family zone) to R1-40000 (a zone consistent with the Open Space designation in the community plan) in order to preserve open space in the Mid-City Community.

(Rezone RZ-92-0581. District-7.)

FILE LOCATION: ZONE

COUNCIL ACTION: (Tape location: A078-094.)

MOTION BY McCARTY TO CONTINUE THE ITEM TO NOVEMBER 24, 1992, AS REQUESTED BY THE CITY MANAGER AND STAFF, BASED ON THE PENDING LAWSUIT AND THE PLANNING COMMISSION HEARING ON THE MATTER. Second by Behr. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-not present, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-331:

(Continued from the meetings of August 11, 1992, Item 332, and September 22, 1992, Item 330; last continued at Councilmember McCarty's request on behalf of the City Manager.)

Matter of an amendment to the Planning Department, "Schedule of Fees and Deposits" (Resolution RR-278367), to include a biannual Correctional Placement Center Monitoring and Enforcement Fee; and to amend the personnel authorization of the Planning Department in the General Fund (Ordinance OO-17667), by adding one Senior Zoning Investigator to monitor and enforce the Correctional Placement Center ordinance and regulations.

Subitem-A: (R-93-76) ADOPTED AS RESOLUTION R-280954

Adoption of a Resolution amending the Planning Department "Schedule of Fees and Deposits."

Subitem-B: (O-93-12) INTRODUCED, TO BE ADOPTED
NOVEMBER 9, 1992

Introduction of an Ordinance amending Chapter X, Article 1, Division 5, of the San Diego Municipal Code, by amending Section 101.0510, relating to Correctional Placement Centers.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A098-B115.)

Hearing began at 10:35 a.m. and halted at 11:21 a.m.

Council Member Hartley entered at 10:45 a.m.

Council Member Filner left at 11:09 a.m.

Testimony in favor by Michel Anderson, Hedy St. John, and Reynaldo Pisano.

Testimony by Sigmund Luther in regards to continuing the item and in opposition of the matter.

MOTION BY WOLFSHEIMER TO ADOPT THE RECOMMENDATION AS STATED ON THE DOCKET. Second by Stevens. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-not present, Mayor O'Connor-yea.

ITEM-332:

Matter of the request of Cabrillo Broadcasting Corporation for a Coastal Development Permit CDP-91-0448 and Conditional Use Permit CUP-91-0448. The project proposes to install one (1) 4.5-foot in diameter ground-mounted satellite receiving dish and one (1) 8-foot in diameter roof mounted microwave transmitting dish on an 11.63 acre parcel. The subject property is located at 5764 Pacific Center Boulevard in the M-1B Zone and within the boundaries of the Mira Mesa Community Plan. The legal description of the site is a portion of Lot No. 5 of Pacific 40 Unit 11, Map-11655.

(CDP/CUP-91-0448. District-5.)

Subitem-A: (R-93-818) ADOPTED AS RESOLUTION R-280958

Adoption of a Resolution certifying that the information contained in Environmental Negative Declaration DEP-91-0448 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said declaration has been reviewed and considered by the Council pursuant to California Public Resources Code Section 21081.

Subitem-B: (R-93-819) GRANT THE CDP PERMIT, ADOPTED AS RESOLUTION R-280959

Adoption of a Resolution granting or denying the CDP permit, with appropriate findings to support Council action.

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Subitem-C: (R-93-820) GRANT THE CUP PERMIT, ADOPTED
AS RESOLUTION R-280960

Adoption of a Resolution granting or denying the CUP
permit, with appropriate findings to support Council
action.

FILE LOCATION: PERM-CDP/CUP-91-0448

COUNCIL ACTION: (Tape location: F007-019.)

Hearing began 3:34 p.m. and halted 3:35 p.m.

MOTION BY STEVENS TO ADOPT SUBITEM-A AND GRANT THE CDP AND
CUP PERMITS FOR SUBITEMS-B AND C. Second by Filner. Passed
by the following vote: Wolfsheimer-yea, Roberts-yea,
Hartley-not present, Stevens-yea, Behr-yea, Stallings-yea,
McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-333: (R-93-670) ADOPTED AS RESOLUTION R-280961

Appointing the following nominees to the City Heights
Development Corporation Board of Directors, one for a
term ending August 10, 1994 and one for a term ending
August 10, 1995:

(See memorandum from Mayor O'Connor dated 10/15/92 with
resume attached.)

NOMINEE

NOMINATED BY:

John Barfield (Afro-American)

Councilmember Hartley

Ramon Espinal (Latino-American)

Councilmember Hartley

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: F007-019.)

MOTION BY STEVENS TO ADOPT. Second by Filner. Passed by
the following vote: Wolfsheimer-yea, Roberts-yea,
Hartley-not present, Stevens-yea, Behr-yea, Stallings-yea,
McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-334:

Two actions relative to the Clairemont Drive (Blackfoot Avenue to Balboa Avenue) Underground Utility District:

(Clairemont Mesa Community Area. District-6.)

Subitem-A: (R-93-464) ADOPTED AS RESOLUTION R-280962

Establishing the Clairemont Drive (Blackfoot Avenue to Balboa Avenue) Underground Utility District.

Subitem-B: (R-93-465) ADOPTED AS RESOLUTION R-280963

Authorizing the expenditure of an amount not to exceed \$27,400 from Annual Allocation - Undergrounding of City Utilities, CIP-37-028.0, Capital Outlay Fund 30245, for the purpose of administering the Clairemont Drive (Blackfoot Avenue to Balboa Avenue) Underground Utility District, minor City Force Work and other related work.

CITY MANAGER SUPPORTING INFORMATION: The proposed district will underground the overhead utility facilities on Clairemont Drive between Blackfoot Avenue and Balboa Avenue. This is a scheduled project in the Fiscal Year 1992 Capital Improvements Program. The formation of this district will require the affected property owners to underground the portion of their utilities on their parcel prior to removal of the overhead utilities. Council Policy 800-2 provides for the use of San Diego Gas & Electric Company's Annual Allocation Funds (Case 8209) to make reimbursement payments to affected property owners based on the length of their electrical service trench. A future resolution will establish the date for removal of overhead utilities as the undergrounding work approaches completion.

Aud. Cert. 9300230.

FILE LOCATION: STRT K-207

COUNCIL ACTION: (Tape location: F031-036.)

Hearing began 3:34 p.m. and halted 3:35 p.m.

Mayor O'Connor announced that the hearing was closed.

MOTION BY STALLINGS TO ADOPT SUBITEMS A AND B. Second by Stevens. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-335: CONTINUED TO NOVEMBER 24, 1992 AT 10:00 A.M.

Two actions relative to the Sunset Cliffs Boulevard
(Brighton Avenue to Newport Avenue) Underground Utility
District:

(Ocean Beach Community Area. District-2.)

Subitem-A: (R-93-460)

Establishing the Sunset Cliffs Boulevard (Brighton
Avenue to Newport Avenue) Underground Utility District.

Subitem-B: (R-93-461)

Authorizing the expenditure of an amount not to exceed
\$28,400 from Annual Allocation - Undergrounding of City
Utilities, CIP-37-028.0, Capital Outlay Fund 30245, for
the purpose of administering the Sunset Cliffs
Boulevard (Brighton Avenue to Newport Avenue)
Underground Utility District, minor City Force work and
other related work.

CITY MANAGER SUPPORTING INFORMATION: The proposed district will underground the overhead utility facilities on Sunset Cliffs Boulevard between Brighton Avenue and Newport Avenue. This was a scheduled project in the Fiscal Year 1991 Capital Improvements Program. The formation of this district will require the affected property owners to underground the portion of their utilities on their parcel prior to removal of the overhead utilities. Council Policy 800-2 provides for the use of San Diego Gas & Electric Company's Annual Allocation Funds (Case 8209) to make reimbursement payments to affected property owners based on the length of their electrical service trench. A future resolution will establish the date for removal of overhead utilities as the undergrounding work approaches completion.

Aud. Cert. 9300228.

FILE LOCATION:

COUNCIL ACTION: (Tape location: F024-031.)

MOTION BY McCARTY TO CONTINUE TO NOVEMBER 24, 1992 AT 10:00 A.M. AT THE REQUEST OF THE CITY MANAGER. Second by Stallings. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-336:

Two actions relative to the 54th Street (Westover Place to Laurel Street) Underground Utility District:

(Oak Park Community Area. District-4.)

Subitem-A: (R-93-471) ADOPTED AS RESOLUTION R-280964

Establishing the 54th Street (Westover Place to Laurel Street) Underground Utility District.

Subitem-B: (R-93-472) ADOPTED AS RESOLUTION R-280965

Authorizing the expenditure of not to exceed \$26,200 from Annual Allocation Undergrounding of City Utilities CIP-37-028.0, for the purpose of administering the 54th Street (Westover Place to Laurel Street) Underground Utility District, minor City Force work, and other related work.

CITY MANAGER SUPPORTING INFORMATION: The proposed district will underground the overhead utility facilities on 54th Street between Westover Place and Laurel Street. This was a scheduled project in the Fiscal Year 1991 Capital Improvement Program. The formation of this district will require the affected property owners to underground the portion of their utilities on their parcel prior to removal of the overhead utilities. Council Policy 800-2 provides for the use of San Diego Gas & Electric Company's Annual Allocation Funds (Case 8209) to make reimbursement payments to affected property owners based on the length of their electrical service trench. A future resolution will establish the date for removal of overhead utilities as the undergrounding work approaches completion.

Aud. Cert. 9300225.

FILE LOCATION: STRT K-209

COUNCIL ACTION: (Tape location: F031-036.)

Hearing began 3:34 p.m. and halted 3:35 p.m.

Mayor O'Connor announced that the hearing was closed.

MOTION BY STALLINGS TO ADOPT SUBITEMS A AND B. Second by Stevens. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-337: (O-93-58) TRAILED TO NOVEMBER 2, 1992

Introduction of an Ordinance amending:

1. The A-1 (agricultural) Zone (San Diego Municipal Code Section 101.0404) to delete churches as a permitted use within the Coastal Zone.
2. The City of San Diego Local Coastal Program (LCP) Implementing Ordinances. If adopted by the City, the proposed LCP amendment must be submitted to the California Coastal Commission for review and certification. The LCP amendment will not become effective in the Coastal Zone until after approval by the California Coastal Commission.

This ordinance amendment is in response to action by the California Coastal Commission on June 11, 1992, to require the above amendment to the A-1 Zone as a condition of certification of other unrelated amendments to the zone. If the proposed ordinance amendment is adopted, churches could be permitted in the A-1 Zoned areas of the Coastal Zone by Conditional Use Permit pursuant to Section 101.0510 of the San Diego Municipal Code. Areas within the Coastal Zone zoned A-1-1, A-1-5 or A-1-10 are affected by this ordinance amendment. These areas generally include land within the Tijuana River Valley, Otay Mesa Nestor, Ocean Beach, Mira Mesa, Sorrento Hills, Pegasus Canyon, Carmel Valley, the North City Future Urbanizing Area, San Dieguito River Valley and Torrey Pines.

(A-1 Zone. Districts-1, 2, 5, 6, and 8.)

FILE LOCATION:

COUNCIL ACTION: (Tape location: F036-059.)

Hearing began 3:36 p.m. and halted 3:39 p.m.

Motion by Wolfsheimer to Introduce the ordinance. Second by Stevens. Passed by the following vote: Yea-1,3,6,8,M; Nay-2,4,5,7.

TRAILED TO NOVEMBER 2, 1992 FOR CLARIFICATION OF THE VOTE AT THE DISCRETION OF THE CHAIR.

ITEM-338: (R-93-666) ADOPTED AS RESOLUTION R-280966

Adoption of a Resolution, with appropriate findings to support Council action, approving Coastal Development Permit CDP-92-0593 for 101 California, a 193-unit condominium project, approximately 344,850 square feet, located on the block bounded by "G" Street, Kettner Boulevard, Harbor Drive and a vacated portion of California Street in the Marina Sub area of the Centre City Redevelopment Project.

(Case-92-0593. District-2.)

FILE LOCATION: PERM-CDP 92-0593

COUNCIL ACTION: (Tape location: F063-G433.)

Hearing began 3:39 p.m. and halted 4:30 p.m.

Testimony in favor by Jeremy Cohen, William Sauls, Jonathan Segal, Cecelia Contini, Marti Lipovsky, Michael Gallasso, Frank Wolden, Lewis Wolfsheimer.

Testimony in opposition by Robert Hayes, Frances Pearson, Joan Nareau, Ron Dupuis, Joy Charlotta, Nick Eddy, Steve Eddy.

Mayor O'Connor announced that the hearing was closed.

MOTION BY ROBERTS TO ADOPT. Second by Behr. Passed by the following vote: Wolfsheimer-ineligible, Roberts-yea,

Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea,
McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S403: CONTINUED TO NOVEMBER 2, 1992

(Continued from the meeting of October 19, 1992, Item 134, at the City Manager's request, because budget deliberations affect the level of funding for these services.)

Two actions relative to agreements with the Greater San Diego Chamber of Commerce, Economic Research Bureau and San Diego Film Commission:

Subitem-A: (R-93-468)

Authorizing the execution of a two-year agreement with the Greater San Diego Chamber of Commerce, Economic Research Bureau, to provide economic development support services.

Subitem-B: (R-93-469)

Authorizing the execution of a two-year agreement with the San Diego Greater Chamber of Commerce, San Diego Film Commission, to provide economic development support services.

CITY MANAGER SUPPORTING INFORMATION: On June 15, 1992, the City Council approved the Economic Development Program Report (CMR-92-190), including a Financing Plan for implementation. The Plan provided funding for agencies which will assist the City in the implementation of various activities identified in the Report. ERB will provide objective economic and demographic information about San Diego to assist public and private sector representatives to make informed decisions. SDFC will promote the use of San Diego as an ideal site location for film, and television, and will assist with advertising production and other artistic endeavors. The City Council requested that the contract for the Greater San Diego Chamber of Commerce, ERB and SDFC be returned to the Council for approval.

FILE LOCATION:

COUNCIL ACTION: (Tape location: H206-338.)

Motion by McCarty to Adopt Subitems A and B. Second by Hartley. No vote.

MOTION BY STEVENS TO CONTINUE TO NOVEMBER 2, 1992 AND TO REQUEST THE CITY MANAGER TO MEET WITH THE CHAMBER REGARDING THEIR EQUAL OPPORTUNITY POLICY AND ITS RELATION TO THESE AGREEMENTS. Second by Filner. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

ITEM-S409: (R-93-637) ADOPTED AS RESOLUTION R-280967

Rejecting all bids received on September 10, 1992 for the Construction of the Miramar Pipeline Rehabilitation - Phase I on Work Order No. 182181; authorizing the Purchasing Agent to readvertise for bids for the Construction of Miramar Pipeline Rehabilitation - Phase I; authorizing the execution of a contract with the lowest responsible bidder. (BID-K3322/93).

(Mira Mesa and University Community Areas. District-5.)

CITY MANAGER SUPPORTING INFORMATION: Miramar Pipeline Rehabilitation - Phase I was advertised August 7, 1992, and bids were opened for this project on September 10, 1992. Sixty-seven bid packages were issued and three prime contractors submitted bids for this project. Bids ranged from a low of \$1,697,850 to a high of \$1,794,283. The apparent low bid of \$1,697,850, submitted by Advanco Constructors, did not meet the City's MBE/WBE goals. Therefore, the City Manager recommends rejecting all bids and re-advertising.

WU-P-93-049.

FILE LOCATION: W.O. 182181 CONT - BRH-Garver, Inc. CONT
FY93-1

COUNCIL ACTION: (Tape location: B116-C081; E157-368.)

Motion by Behr to adopt the City Manager's recommendation to reject the contract. Second by Stevens. Failed. Yea: 1,4,5,6. Nay: 7,M; Not present: 2,3,8.

The item was trailed to the afternoon session due to lack of five affirmative votes.

MOTION BY BEHR TO ADOPT THE CITY MANAGER'S RECOMMENDATION TO REJECT ALL BIDS. Second by Stevens. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-nay.

Motion by Mayor O'Connor to suspend the rules and reconsider the adoption of a resolution awarding a contract to Nielsen Construction Company, and this adoption to reject all bids. Second by Stallings. Failed by the following vote: Yea-1,4,6,M; Nay-2,5,7,8; Not present-3.

MOTION BY FILNER TO DIRECT THE CITY MANAGER TO SCHEDULE A WORKSHOP TO ESTABLISH A UNIFORM POLICY FOR THE MBE/WBE PROGRAM, RESOLVE ANY DISCREPANCIES THAT CURRENTLY EXIST AND TO NOT BRING THE TWO PENDING "REJECTING BIDS" ITEMS BEFORE COUNCIL UNTIL THIS WORKSHOP IS HELD. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S500:

The matter of a request for reconsideration of the City Council's action on September 29, 1992, in adopting Ordinance O-17838 (New Series), relating to Tandem Parking. This Ordinance amends Municipal Code Section 101.0821 to delete tandem parking by reducing from two to one the number of parking spaces in a tandem configuration that are included in the calculation of required parking for residential projects.

On September 29, 1992, Council voted 5-1 to adopt Ordinance O-17838 to delete tandem parking. Yeas-Districts 2,3,4,5,6. Nay-District 8. Not present - Districts 1,7 and Mayor.

Subitem-A: APPROVED

A motion to suspend the Permanent Rules of Council to allow reconsideration when Council Policy 000-6, Reconsideration of Closed Hearings, applies.

Subitem-B: APPROVED

A motion to reconsider the adoption of Ordinance
O-17838.

Subitem-C: APPROVED

A motion to set the matter for future public hearing.

FILE LOCATION:

COUNCIL ACTION: (Tape location: A025-059.)

MOTION BY FILNER TO SUSPEND THE RULES. Second by Stallings.
Passed by the following vote: Wolfsheimer-yea, Roberts-not
present, Hartley-not present, Stevens-yea, Behr-yea,
Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

MOTION BY FILNER TO DOCKET FOR RECONSIDERATION THE TANDEM
PARKING ORDINANCE ON MONDAY, NOVEMBER 23, 1992. Second by
Behr. Passed by the following vote: Wolfsheimer-yea,
Roberts-not present, Hartley-not present, Stevens-yea,
Behr-yea, Stallings-yea, McCarty-yea, Filner-yea, Mayor
O'Connor-yea.

ITEM-S501: WELCOMED

(Continued from the meeting of October 20, 1992, Item
312, at the City Manager's request.)

Welcoming a group of approximately 70 students from
Alcott Elementary School, accompanied by teachers Debra
Huggins and Fari Akbarian. The group will arrive at
approximately 10:30 a.m.

(District-6.)

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A059-074.)

ITEM-S502:

(Continued from the meeting of October 20, 1992, Item 336, at Councilmember Behr's request on behalf of the applicant.)

Appeal of Maurice and Harriet Miller, et al, from the decision of the Planning Commission in approving Hillside Review Permit HRP-90-0122 for a 3,069-square-foot, single-family residence. The applicant is requesting a variance to allow a portion of the building to have a five-foot front setback where fifteen feet is required. The subject property is 7,623 square feet in size, located on Vista Street north and is described as a consolidation of Lot 24 of the Rancho Mission according to Superior Court Case No. 238 on file with the office of the San Diego County Clerk. The R-1-5000 and R-1-40,000 (HR) zoned site is within the Kensington Talmadge neighborhood of the Mid-City Community Plan area.

(Case-90-0122. District-3.)

Subitem-A: (R-93-816) ADOPTED AS RESOLUTION R-280968

Adoption of a Resolution certifying that the information contained in Environmental Negative Declaration DEP-90-0122 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said declaration has been reviewed and considered by the Council.

Subitem-B: (R-93-817) DENY THE APPEAL, GRANT THE PERMIT ADOPTED AS RESOLUTION R-280969

Adoption of a Resolution granting or denying the appeal and granting or denying the permit, with appropriate findings to support Council action.

FILE LOCATION: PERM-HRP 90-0122

COUNCIL ACTION: (Tape location: D020-E151.)

Hearing began 2:08 p.m. and halted 3:02 p.m.

Testimony in favor by Doug Thimm.

Testimony in opposition by Ken Medel, Harriet Miller.

MOTION BY HARTLEY TO ADOPT SUBITEM-A AND DENY THE APPEAL AND GRANT THE PERMIT FOR SUBITEM-B. Second by Stevens. Passed by the following vote: Wolfsheimer-nay, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-not present, Mayor O'Connor-nay.

ITEM-S503: (R-93-664) ADOPTED AS RESOLUTION R-280970

Approving a representative Project Area Committee for the Centre City Redevelopment Project Area.

(See memorandum from CCDC dated 10/25/92. District-2.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: F007-019.)

MOTION BY STEVENS TO ADOPT. Second by Filner. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-not present, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S504: (R-93-693) ADOPTED AS RESOLUTION R-280971

Amending the Articles of Incorporation of the City Heights Development Corporation to change the name of the Corporation to the Mid-City Development Corporation and to increase the number of Directors from nine to eleven.

(Mid-City Community Area. Districts-3, 4 and 7.)

CITY MANAGER SUPPORTING INFORMATION: The City Council resolved to establish the City Heights Development Corporation (CHDC) in FY 93. A nine-member Board of Directors was appointed, and the Board was sworn in on September 3, 1992. The City Council is anticipated to appoint two additional members to the Board of Directors on October 27, 1992.

These appointments require amending the Articles of Incorporation.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: F007-019.)

MOTION BY STEVENS TO ADOPT. Second by Filner. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-not present, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-CS-1: (R-93-658) ADOPTED AS RESOLUTION R-280972

A Resolution adopted by the City Council in Closed Session on October 27, 1992:

Authorizing the City Manager to pay the total sum of \$405,000 in settlement of each and every claim against the City, its agents and employees, resulting from property damage claims in the 6300 block of Madrone Avenue, of Josephine Harnish, et al.; authorizing the City Auditor and Comptroller to issue multiple checks in varying amounts for a total sum of \$405,000 in settlement of the claims.

Aud. Cert. #9300380

FILE LOCATION: MEET

ITEM-CS-2: (R-93-659) ADOPTED AS RESOLUTION R-280973

A Resolution adopted by the City Council in Closed Session on October 27, 1992:

Authorizing the City Manager to pay the total sum of \$300,000 in partial settlement of each and every claim against the City, its agents and employees, resulting from property damage in the 6000 block of Reo Place, of Pedro Fagusto, et al.; authorizing the City Auditor and Comptroller to issue multiple checks in varying amounts for a total sum of \$300,000 in partial settlement of all claims.

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Aud. Cert. #9300351

FILE LOCATION: MEET

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Chair Person Filner at 5:25
p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: H387.)